

REMARKS/ARGUMENTS

5 Reconsideration of the application is respectfully requested.
Claims 1-27 are pending in the present invention. Claim 27
has been added. The new claim 27 is, for example, supported
on page 19, lines 23 - 25; page 13, lines 30 - 32; page 17,
lines 8 - 10, 15 - 16 and 30 - 32; and page 18, lines 1 - 2.
10 No new matter has been added to the application in this
response.

1. Rejection of Claims 1-5, 7-10, 22-24 and 26 under 35 USC §
102(e).

15 Claims 1-5, 7-10, 22-24 and 26 were rejected under Section 102
as being anticipated by Linnakangas. This § 102 rejection is
respectfully traversed.

20 In summary, an important feature of the present invention is
that a secure message may be sent from a first computer to a
second computer even when there is an intermediate computer
therebetween that is part of the same secure connection.

25 a. The Requisite Steps of Independent Claim 1 Are Neither
Taught Nor Suggested in the Cited Art.

Claim 1 has been amended to clarify that the intermediate computer uses the first unique identity to find a second destination address to the second computer. The claim has also been modified to clarify that the intermediate computer substitutes the first destination address with the second destination address and substitutes the first unique identity with a second unique identity prior to sending the secured message to the second computer. No new matter has been added to the amended claim 1 or any other claim. Such steps are not taught or suggested in the cited references.

On page 3, paragraph 7, the Examiner refers to paragraph 24, lines 4-8 as teaching the step of secure forwarding of a message from a first computer (local host 5) to a second computer via an intermediate computer in a telecommunication network. Applicants disagree. Linnakangas completely fails to teach a secure forwarding from the local host 5. The IPSec is only between the remote host 4 and the router 2. There is no secure connection between the local host 5 and the router 2. In contrast, the router 2 decrypts, reads and unwraps the secure message from the remote host 4 to be able to determine that the message is to be forwarded (as plain text) to the local host 5. This forwarding is done without implementing IPSec. The Examiner is respectfully requested to show where Linnakangas teaches a secure connection between the local host 5 and the router 2.

The amended claim 1 also requires the step of establishing a secure connection between the first computer and the second computer via the intermediate computer. As indicated above,
5 Linnakangas completely fails to teach or suggest this step.

On page 4, lines 1-4, of the Office action, the Examiner asserts that Linnakangas teaches forming a secure message in the first computer (local host 5). Applicants disagree.

10 Applicants fail to see where Linnakangas is teaching this step. Paragraph 24 of Linnakangas merely teaches the remote host 4 negotiating secure associations with the router 2 (line 9-10 of paragraph 24). There is nothing about forming a secure message in the local host 5 or negotiating secure
15 associations with the local host 5.

On page 4, lines 4-6, of the Office action, the Examiner asserts that Linnakangas teaches the step of sending the secure message from the first computer to the intermediate computer. Applicants disagree. Since the local host 5 does not form any secure message no secure message can be sent from the local host 5. Lines 4-6 of the Office action state "[b]y using IPSec to control communication between the router 2 and the remote hosts 4 (and hence between remote hosts 4 and local
25 hosts 5)." It is important to note that the IPSec is only between the router 2 and the hosts 4.

Applicants cannot see that Linnakangas teaches the required steps of the local host forming a secure message and sending the secure message to the intermediate computer in the cited
5 lines 4-6.

It is submitted that Linnakangas also fails to teach or suggest the step of the intermediate computer, while being in a secure connection between the first computer and the second
10 computer as required in the first paragraph of the amended claim 1, receiving the secure message and performing a translation by using the first unique identity to find a second destination address to the second computer.

Linnakangas router fails to teach the step of receiving a
15 secure message from the local host 5 since the secure connection is only between the router 2 and the remote host 4. As indicated above, no secure messages are sent from the local host 5 to the router 2 since there is no secure connection therebetween. Consequently Linnakangas router 2 also fails to
20 substituting the first address of the secure connection with the second destination address of the same secure connection and substituting the first unique identity with the second unique identity. Finally, Linnakangas fails to teach or suggest the router 2 forwarding the secure message to the
25 second computer since the router 2 never received a secure message from the local host 5 and it is therefore not possible

to forward any secure message.

It is submitted that Linnakangas completely fails to teach or suggest the above-outlined steps. Therefore, the rejection of
5 claim 1 under § 102 is improper, and should be removed.

b. Dependent Claims 2-5 and 7-10

Claims 2-5, 7-10 are submitted to be allowable because the
10 claims depend either directly or indirectly upon the allowable base claim 1 and because each claim includes limitations that are not taught or suggested in the cited references.

2. The Requisite Limitations of Independent Claim 22 Are
15 Neither Taught Nor Suggested in the Cited Art.

As mentioned above, Linnakangas merely shows a secure connection between the remote host 4 and the router 2 and an un-secure plain text connection between the router 2 and the local host 5. Applicants fails to see where Linnakangas teaches that the local host 5 (first computer) has means for performing an IPSsec processing as mentioned on page 6, lines 1-2 of the current Office action. The Examiner refers to paragraph 24, lines 1-15 of Linnakangas. The cited text section merely teaches "using IPSsec to control communication between the router 2 and the remote hosts 4" and that each

"remote host 4 wishing to participate in the VPN must negotiate at least one pair of SAs (one for sending and one for receiving data) with the router 2 prior to exchanging user generated traffic with the LAN 5." There is nothing about a
5 secure association between the router 2 and the LAN 5.

The amended claim 22 has now been amended to require that there is a secure connection between the first computer and the second computer via the intermediate computer. It is
10 again submitted that Linnakangas fails to teach or suggest a secure connection between the remote host 4 and the local host 5.

It is submitted that Linnakangas fails to teach or suggest all
15 the limitations of the amended claim 22. Therefore, the anticipation rejection of claim 22 under § 102 is improper, and should be removed.

a. Dependent claims 23-24 and 26

20 Claims 23-24 and 26 are submitted to be allowable because the claims depend either directly or indirectly upon the allowable base claim 22 and because each claim includes limitations that are not taught or suggested in the cited references.

25 3. The Requisite Limitations of Independent Claim 27 Are

Neither Taught Nor Suggested in the Cited Art.

Similar to claim 22, the new claim 27 requires a secure connection between the first computer and the second computer
5 via the intermediate computer. As indicated above, Linnakangas fails to teach or suggest a secure connection between the remote host 4 and the local host 5.

It is submitted that Linnakangas fails to teach or suggest all
10 the limitations of the amended claim 27. Therefore, the rejection of claim 27 under § 102 is improper, and should be removed.

4. Rejection of Claims 6, 11-14 and 20-21 under 35 USC § 15 103(a).

Claims 6, 11-14 and 20-21 were rejected under Section 103 as being obvious over Linnakangas, as applied to claim 1 above, in view of Applicant's Admitted Prior Art (AAPA). This § 103
20 rejection is respectfully traversed in part and overcome in part as follows:

a. The Requisite Steps of Claims 6, 11-14 and 20-21 Are Neither Taught Nor Suggested in the Cited Art.

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Claims 6, 11-14 and 20-21 are submitted to be allowable

because the claims depend either directly or indirectly upon the allowable base claim 1 and because each claim includes limitations that are not taught or suggested in the cited references.

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The § 103 rejection is therefore improper and should be withdrawn.

10 b. Prima Facie Support for Combination Under § 103 Not Provided

Even assuming *arguendo* that the requisite method steps of claims 6, 11-14 and 20-21 are shown by the combination of Linnakangas and AAPA, *prima facie* support for combining the references, according to the requirements as set forth in M.P.E.P. § 2142 has not been provided in the present Office Action.

As provided in M.P.E.P. § 2142, the Supreme Court in *KSR International v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) specified that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. “[R]ejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3dd 977, 988, 78

USPQ2d 1329, 1336 (Fed. Cir. 2006). Furthermore, the Examiner must make "explicit" this rationale of "the apparent reason to combine the known elements in the fashion claimed," including a detailed explanation of "the effects of demands known to the 5 design community or present in the marketplace" and "the background knowledge possessed by a person having ordinary skill in the art" (KSR, page 14).

The only rationale provided in support of the 103(a) rejection 10 of claim 6 is at the bottom of page 7 of the Office action, which merely asserts it would have been obvious to modify the teaching method of Linnakangas with AAPA because it "would have added flexibility by allowing different networks to connect to the system"(emphasis added). Thus, one benefit, or 15 advantage of the modification is the only rationale provided in the Office Action in support of the instant rejection.

However, merely stating that a benefit of the modification exists, as done above, does not provide the "articulated 20 reasoning with some rationale underpinning to support the legal conclusion of obviousness, required under KSR. By definition, every patentable invention must be "beneficial" – and *arguendo* every invention contemplates at least some new benefit(s) in arriving at the invention – certainly this does 25 not render the benefit obvious or expected. Because every modification or element has a corresponding use or benefit,

the above reasoning could be applied to any improvement. It appears therefore that "hindsight construction" may have perhaps played a role in arriving at the present ground for rejection in the Office action - which though difficult 5 perhaps to avoid in many cases, is nonetheless impermissible in making a *prima facie* showing of obviousness.

According to M.P.E.P. 2142, "the examiner bears the initial burden of factually supporting any *prima facie* conclusion of 10 obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." Because a *prima facie* conclusion of obviousness has not been provided in the present Office Action, Applicants respectfully request reconsideration and 15 withdrawal of this ground for rejection as to claim 6.

Similarly, no articulated reasoning is provided for the rejections of claims 11-14 and 20-21. On page 8, lines 5-7, the Examiner merely states it would have been obvious because 20 it "would have broadened the appeal and applicability of the system by allowing mobile units to connect to the network" (emphasis added). On page 9, lines 1-2 and 8-9 of the Office action it is stated that the combination would have been obvious because it "would have added improved security to the system" and it "would have added improved security and 25 flexibility to the system" (emphasis added). It is submitted

that none of the above stated general benefits provides the required articulated reasoning to show *prima facie* conclusion of obviousness.

5 The rejections of claims 6, 11-14 and 20-21 under Section 103 are therefore improper and should be removed.

5. Rejection of Claims 15-19 and 25 under 35 USC § 103(a).

10 Claims 15-19 and 25 were rejected under Section 103 as being obvious over Linnakangas in view of Sandhu. This rejection is respectfully traversed.

15 a. The Requisite Steps of Claims 15-19 and 25 Are Neither Taught Nor Suggested in the Cited Art.

Claims 15-19 and 25 are submitted to be allowable because the claims depend either directly or indirectly upon the allowable base claims 1 and 22, respectively, and because each claim 20 includes limitations that are not taught or suggested in the cited references.

The § 103 rejection is therefore improper and should be withdrawn.

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b. Prima Facie Support for Combination Under § 103 Not Provided

These rejections also lack the required articulated reasoning to establish *prima facie* conclusion of obviousness. The only reasons for obviousness are stated on page 10, line 2 ("would have added another layer of security within the secure connection" (emphasis added)) and page 10, line 17 ("would have increased the number of security features available in the system" (emphasis added)) are again submitted to be mere general benefits that do not provide the required articulated reasoning to meet the burden of establishing a *prima facie* conclusion of obviousness.

The rejections of claims 15-19 and 25 under Section 103 are therefore improper and should be removed.

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3. Conclusion

Based on the foregoing, Applicants respectfully request that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the previously amended form of the claims, and that a Notice of Allowance be issued for the present application to pass to issuance.

In the event any further matters remain at issue with respect to the present application, Applicants respectfully request that the Examiner please contact the undersigned below at the

~~RF~~ Attorney Docket No. 290.1078USN 1/17/09 - 20 -

telephone number indicated in order to discuss such matter
prior to the next action on the merits of this application.

The application is submitted to be in condition for allowance, and such action is respectfully requested.

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Respectfully submitted,

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